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| APPLICATION NO.                                 | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/736,999                                      | 12/16/2003  | Gavriela D. Lavic    | 5760-14800          | 5749             |
| 35690   | 7590        | 06/04/2007           | EXAMINER            |                  |
| MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. |             |                      | RAYYAN, SUSAN F     |                  |
| P.O. BOX 398                                    |             |                      | ART UNIT            | PAPER NUMBER     |
| AUSTIN, TX 78767-0398                           |             |                      | 2167                |                  |
|   |             |                      | MAIL DATE           | DELIVERY MODE    |
|   |             |                      | 06/04/2007          | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                               |                              |  |
|------------------------------|-------------------------------|------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/736,999 | Applicant(s)<br>LAVIE ET AL. |  |
|                              | Examiner<br>Susan F. Rayyan   | Art Unit<br>2167             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 26-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-25 are canceled.
2. Claims 26-36 are pending.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 26,28-32, 34,36 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Application Number 2002/0184065 issued to Cody Menard et al (“Menard”).**

As per claim 26 Menard anticipates:

detecting a change to a database system, wherein said detecting includes determining a value of an attribute of said database system (see paragraph 37, lines 1-9, databases, and see paragraph 38 lines 2-5, as identify patterns of data which allow for determining state of the system or problems that may be present);  
comparing said determined value to a previously acquired value of said attribute of said database system (paragraph 39, lines 4-7, compares data points over time);

predicting the likelihood of the detected change affecting the operation of the database system (paragraph 39, predictive analysis estimates the time available until resources are depleted or until a failure occurs);

based on said comparing, generating an indication of the magnitude of said detected change of said system attribute((paragraph 39, lines 9-13, detects a trend and determines available time to failure occurs);

displaying said likelihood of the detected change affecting the operation of the database system and said indication of the magnitude of the detected change to a user (paragraph 39, GUI displays warnings indicating resources time of deletion or failure).

As per claim 28 same as claim arguments above and Menard anticipates:

wherein said detected change indicates a change in response latency to an input provided to said database system(paragraph 53, monitor Oracle database activity).

As per claim 29 same as claim arguments above and Menard anticipates:

wherein said attribute of said database system is related to the number and/or type of transactions executed by the database system(paragraph 53, monitor Oracle database activity).

As per claim 30 same as claim arguments above and Menard anticipates:

wherein said attribute of said database system is related to timing information associated with transactions executed by the database system(paragraph 53, monitor Oracle database activity).

As per claim 31 same as claim arguments above and Menard anticipates:  
wherein said attribute of said database system is related to configuration information  
associated with the database server or related to data schema of the database system  
paragraph 53, monitor Oracle database activity).

Claim 32 is rejected based on the same rationale as claim 26 above.

Claim 34 is rejected based on the same rationale as claim 26 above.

Claim 36 is rejected based on the same rationale as claim 26 above.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 27,33,35 are rejected under 35 U.S.C. 103(a) as being unpatentable  
over US Patent Application Number 2002/0184065 issued to Cody Menard et al  
("Menard") and further in view of US Patent Number 6,782,345 B1 issued to  
Siegel et al ("Siegal").**

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As per claim 27 same as claim arguments above and Menard teaches predicting at least two outcomes related to said database system indicated by said detected change (paragraph 39, 12-13, as time till resources are depleted of failure occurs).

Menard does not explicitly teach subsequently monitoring the database system to detect whether one or more of the predicted outcomes has occurred and if one or more of the predicted outcomes has occurred, reporting the one or more occurred predicted outcomes to the user. Siegel does teach these limitations (see column 11 lines 50-60, re-initiating the diagnostic to verify the diagnostic to verify the system is operating within the specifications when operating according to revised parameters and paragraph 8, lines 10-20) to verify that the system is operating within the specifications . It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Menard subsequently monitoring the database system to detect whether one or more of the predicted outcomes has occurred and if one or more of the predicted outcomes has occurred, reporting the one or more occurred predicted outcomes to the user to verify that the system is operating within the specifications (column 11, lines 54-55).

Claim 33 is rejected based on the same rationale as claim 27 above.

Claim 35 is rejected based on the same rationale as claim 27 above.

***Response to Arguments***

5. Applicant's arguments filed March 8, 2007 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues prior art of record does not teach "predicting the likelihood of the detected change affecting the operation of the database system" and "displaying said likelihood of the detected change affecting the operation of the database system and said indication of the magnitude of the detected change to a user". Menard teaches "predicting the likelihood of the detected change affecting the operation of the database system" at paragraph 39, predictive analysis estimates the time available until resources are depleted or until a failure occurs), and "displaying said likelihood of the detected change affecting the operation of the database system and said indication of the magnitude of the detected change to a user," at paragraph 39, GUI displays warnings indicating resources time of deletion or failure.

**Contact Information**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan F. Rayyan whose telephone number is 571-272-1675. The examiner can normally be reached on M-F, 7:30-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



SR

5/17/2007



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